

# TECHNICAL REPORT

Planning Commission – 04/16/2019



## **LUMO TEXT AMENDMENT AND ZONING ATLAS AMENDMENT FOR HISTORIC ROGERS ROAD NEIGHBORHOOD ZONING**

---

The following Technical Report describes proposed modifications to the Land Use Management Ordinance including four new zoning Subdistricts for the Historic Rogers Road Neighborhood, along with proposed zoning atlas changes that would apply the new Subdistricts to specific parcels of land.

### **BACKGROUND**

2009	Rogers Road Small Area Plan Task Force Final Report
2013	Historic Rogers Road Neighborhood Task Force Final Report
2013	Closure of Orange County Regional Landfill, adjacent to community
2015	Historic and Vibrant Rogers Road Report
2016	Rogers Road: Mapping Our Community's Future
2017-2019	Rogers Road Sewer Construction Project
September 2018	Initiation of Rogers Road Zoning Initiative ( <i>current project</i> )
October 2018- March 2019	Community and Stakeholder Engagement
February 2019	Draft Zoning Code
March 19, 2019	Advisory Board Review
April 2, 2019	Planning Commission Discussion

### **NEXT STEPS**

April 16, 2019	Planning Commission will receive additional information and consider a recommendation on the proposed text and zoning atlas amendments
April 17, 2019	Council will open the Public Hearing to hear the proposed amendments and receive public comments
May 22, 2019	Council will meet with the intent to take action on the proposed amendments

### **SUMMARY OF PLANNING COMMISSION FEEDBACK RECEIVED ON APRIL 2**

Planning Commission members discussed the proposed zoning at their April 2 meeting and suggested revisions to several draft zoning standards. Those revisions are reflected throughout this report **in red**, and can be summarized as follows:

- Consider relaxing some standards for Major Home Occupations where it would not result in adverse impacts on neighbors (lot size, selling goods, prohibiting specific business types)
- Remove properties fronting on Billabong Ln from the proposed rezoning area, based on input from residents
- Consider a shorter maximum block length standard to better promote walkability.

Further detail is provided in the attached report *Historic Rogers Road, April 2 Feedback*. Note that Ordinance A (Enacting the LUMO Text Amendment) will be revised at a later time, pending Town Council direction during the Public Hearing.

# TECHNICAL REPORT

Planning Commission – 04/16/2019

## SUMMARY OF PROPOSED LUMO CHANGES

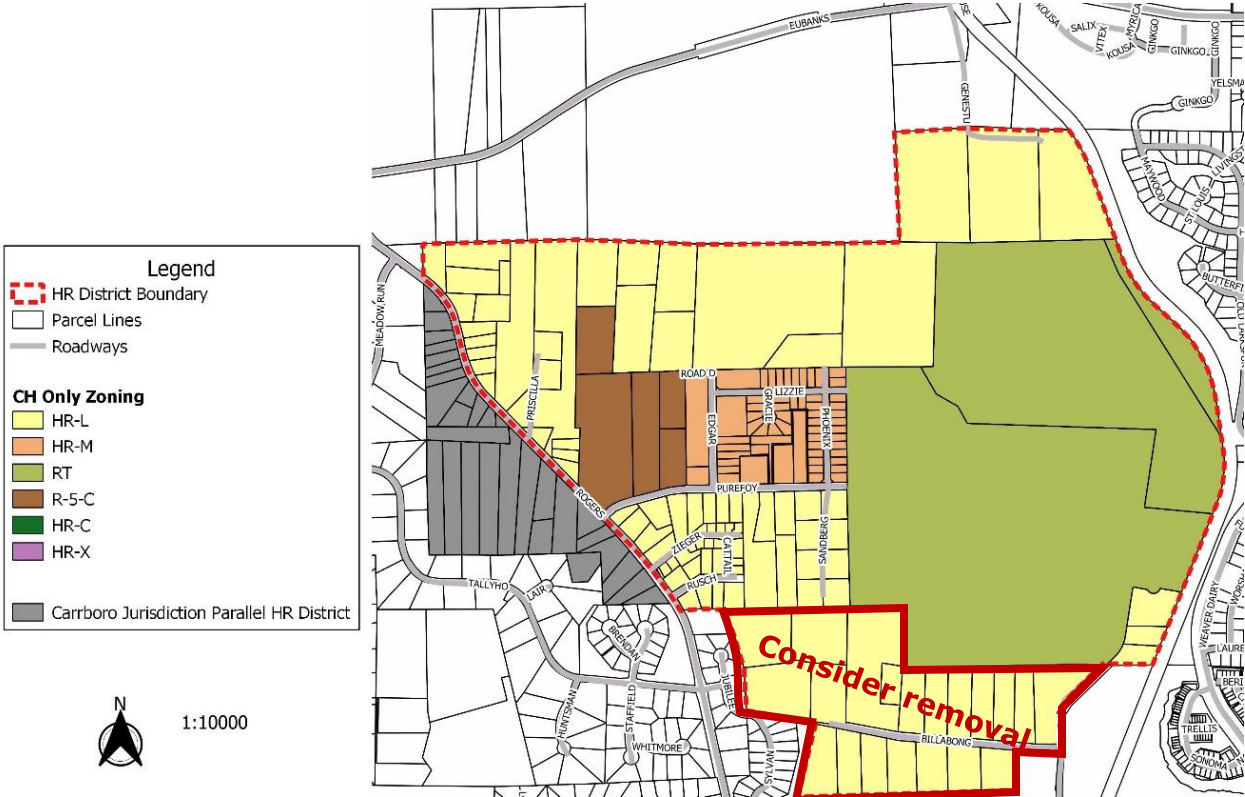
Based upon the community input received to date, a Text Amendment has been developed to establish zoning standards for the Historic Rogers Road Neighborhood. The standards would then be applied to specific properties through a rezoning or Zoning Atlas Amendment. In combination, the proposed modifications would affect zoning for various portions of the study area as follows:

- A. General Neighborhood: How zoning would change for most of the study area, which is currently zoned R-1 (Residential-1) and would be rezoned to HR-L (Historic Rogers Road-Low Density).
- B. ~~Billabong Lane Properties: How zoning would change for properties that are currently zoned R-1A (Residential-1A) and would be rezoned to HR-L. Remove properties fronting on Billabong Ln from proposed rezoning area.~~
- C. Properties near Phoenix Place: How zoning would change for a few properties adjoining the Phoenix Place neighborhood, which are currently zoned as R-1 and would be rezoned to HR-M (Historic Rogers Road-Medium Density). This would provide greater continuity with the Phoenix Place neighborhood, which would also be rezoned to HR-M but is a built-out development.
- D. Potential Mixed Use Area: Standards that would be in place for any future nodes of neighborhood-scale mixed use development (mixed housing with neighborhood services and small businesses). No properties are proposed to be rezoned at this time to this Subdistrict. The St. Paul's Village project (approved under a previous rezoning) would also serve as a mixed use node for the neighborhood.
- E. Potential Conservation Area: Standards that would be in place for any future conservation of environmentally sensitive lands. No properties are proposed to be rezoned at this time, however this zoning could be considered for the Greene Tract as discussions progress on future use of that property.
- F. Other Standards, Applicable throughout Study Area: Special development standards that apply to the Historic Rogers Road zoning as a whole, not specific Subdistricts.

A map of proposed zoning (HR-L and HR-M Subdistricts only) and a series of tables further detailing the comparison of existing and proposed zoning standards are provided below.

# TECHNICAL REPORT

Planning Commission – 04/16/2019



**Proposed Zoning Map for Historic Rogers Road Neighborhood**

# TECHNICAL REPORT

Planning Commission – 04/16/2019

## A. General Neighborhood

Zoning Standard	Existing R-1 Zoning	Proposed HR-L Zoning
<b>Permitted Housing Types</b>	Single-family homes Accessory dwellings Manufactured homes (Class A)	Single-family homes Accessory dwellings Manufactured homes (Class A) Duplexes Triplexes
<b>Other Permitted Uses</b>	Daycares, Churches, Schools, Recreation, and Public Facilities. <i>No change proposed</i>	
<b>Maximum Density</b>	3 units/acre	3 units/acre for single-family only 4 units/acre with duplexes and triplexes
<b>Minimum Lot Size</b>	17,000 sq ft Smaller lots may be approved under a Cluster Subdivision	14,500 sq ft Smaller lots may be approved under a Cluster Subdivision
<b>Building Setbacks</b>	<ul style="list-style-type: none"> <li>▪ 28 ft from street - minimum</li> <li>▪ 14 ft from other property lines - minimum</li> <li>▪ 17 ft solar setback - minimum</li> </ul>	<ul style="list-style-type: none"> <li>▪ 10 ft from street – minimum</li> <li>▪ 28 ft from street – maximum</li> <li>▪ 14 ft from other property lines – minimum</li> <li>▪ 17 ft solar setback - minimum</li> </ul> <p>Lots fronting on Rogers Rd:</p> <ul style="list-style-type: none"> <li>▪ 50 ft from street – minimum (no maximum)</li> </ul>
<b>Maximum Height</b>	29 ft at setback line, 40 ft interior to site – <i>No change proposed</i>	
<b>Lot Width and Street Frontage</b>	80 ft minimum lot width, 64 ft minimum street frontage <i>No change proposed</i>	
<b>Maximum Floor Area Ratio</b>	.076 - <i>No change proposed</i>	
<b>Maximum Home Size</b>	Not currently regulated	2,000 sq ft for single-family 1,200 sq ft per unit for duplex/triplex
<b>Home-Based Businesses</b>	Minor home occupations allowed	Minor and Major home occupations allowed, with limitations to mitigate impacts on neighbors

# TECHNICAL REPORT

Planning Commission – 04/16/2019

~~**B. Billabong Ln Properties**~~ Remove properties fronting on Billabong Ln from proposed rezoning area; zoning changes would not apply.

Existing zoning is Residential-1A (R-1A); previously proposed zoning was HR-L as detailed on the previous page for the General Neighborhood.

## C. Properties near Phoenix Place

Zoning Standard	Existing R-1 Zoning (same as General Neighborhood)	Proposed HR-M Zoning
<b>Permitted Housing Types</b>	Single-family homes Accessory dwellings Manufactured homes (Class A)	Single-family homes Accessory dwellings Manufactured homes (Class A) Duplexes Triplexes
<b>Other Permitted Uses</b>	Daycares, Churches, Schools, Recreation, and Public Facilities <i>No change proposed</i>	
<b>Maximum Density</b>	3 units/acre	4.5 units/acre for single-family only 6 units/acre with duplexes and triplexes
<b>Minimum Lot Size</b>	17,000 sq ft Smaller lots may be approved under a Cluster Subdivision	9,000 sq ft Smaller lots may be approved under a Cluster Subdivision
<b>Building Setbacks</b>	<ul style="list-style-type: none"> <li>▪ 28 ft from street - minimum</li> <li>▪ 14 ft from other property lines - minimum</li> <li>▪ 17 ft solar setback - minimum</li> </ul>	<ul style="list-style-type: none"> <li>▪ 10 ft from street – minimum</li> <li>▪ 20 ft from street – maximum</li> <li>▪ 14 ft from perimeter property lines – minimum</li> <li>▪ 17 ft solar setback - minimum</li> </ul>
<b>Maximum Height</b>	29 ft at setback line, 40 ft interior to site – <i>No change proposed</i>	
<b>Lot Width and Street Frontage</b>	80 ft minimum lot width, 64 ft minimum street frontage	65 ft minimum lot width, 52 ft minimum street frontage
<b>Maximum Floor Area Ratio</b>	.076	.093 – <i>Equal to R-2 District</i>
<b>Maximum Home Size</b>	Not currently regulated	1,500 sq ft for single-family 1,200 sq ft per unit for duplex/triplex
<b>Home Occupations</b>	Minor home occupations allowed	Minor and Major home occupations allowed, with limitations to mitigate impacts on neighbors

# TECHNICAL REPORT

Planning Commission – 04/16/2019

## D. Potential Mixed Use Area

Zoning Standard	Existing	Proposed HR-X Zoning
<b>Permitted Housing Types</b>	<p style="text-align: center;"><b>N/A</b></p> <p style="text-align: center;"><b>No rezoning proposed at this time;</b></p> <p style="text-align: center;"><b>placeholder standards only</b></p>	Single-family homes Accessory dwellings Duplexes Triplexes Multifamily, 3-7 units per building Live-Work units Upper-story Dwelling unit
<b>Other Permitted Uses</b>		Daycares Churches Schools Recreation Public Facilities Health Clinics Places of Assembly (up to 2000 seats) Independent Senior Living Office Flex Office
<b>Maximum Density</b>		8 units per acre (regardless of housing type)
<b>Minimum Lot Size</b>		None
<b>Building Setbacks</b>		<ul style="list-style-type: none"> <li>▪ 20 ft from street – minimum</li> <li>▪ 40 ft from perimeter property lines – minimum</li> <li>▪ 17 ft solar setback - minimum</li> </ul>
<b>Maximum Height</b>		29 ft at setback line, 40 ft interior to site
<b>Lot Width and Street Frontage</b>		No minimum lot width, 40 ft minimum street frontage
<b>Maximum Floor Area Ratio</b>		.264 – <i>Equal to OI-1 District</i>
<b>Maximum Home Size</b>		1,500 sq ft for single-family 1,200 sq ft per unit for duplex/triplex
<b>Home Occupations</b>		Minor and Major home occupations allowed, with limitations to mitigate impacts on neighbors
<b>Buffers</b>		30 ft undisturbed buffer at perimeter of mixed use development, screened to Type D (fully opaque) standards

# TECHNICAL REPORT

Planning Commission – 04/16/2019

## E. Potential Conservation Area

Zoning Standard	Existing	Proposed HR-C Zoning
Permitted Housing Types	<p style="text-align: center;">N/A</p> <p style="text-align: center;">No rezoning proposed at this time;</p> <p style="text-align: center;">placeholder standards only</p>	None
Other Permitted Uses		Public Facilities and Recreation
Maximum Density		N/A
Minimum Lot Size		N/A
Building Setbacks		N/A
Maximum Height		N/A
Lot Width and Street Frontage		N/A
Maximum Floor Area Ratio		N/A
Maximum Home Size		N/A
Home Occupations		N/A

## F. Other Standards, Applicable throughout Study Area

Zoning Standard	Existing R-1 Zoning (same as General Neighborhood)	Proposed Historic Rogers Road Zoning
Signage for Home-Based Businesses	No signage permitted	<ul style="list-style-type: none"> <li>▪ Wall-mounted, non-illuminated signs allowed</li> <li>▪ 4 sq ft for minor home occupations</li> <li>▪ 8 sq ft for major home occupations</li> </ul>
Limitations on Major Home Occupations	Not permitted	<ul style="list-style-type: none"> <li>▪ <del>Lots must be 1-acre minimum size</del></li> <li>▪ No more than 6 non-resident employees</li> <li>▪ Limited to 50% of principal structure floor area</li> <li>▪ No on-site sale of goods <b>except incidental to services provided</b></li> <li>▪ Business activities must be set back at least 40 ft from property lines <b>OR contained indoors</b></li> <li>▪ Activities producing noxious impacts (noise, vibration, dust, odor, light, or glare) must be set back 60 ft from property lines <b>OR contained indoors</b></li> <li>▪ Screening of outdoor storage</li> <li>▪ Employees and visitors park off-street</li> <li>▪ No more than 3 business vehicles</li> <li>▪ No more than 50 trips per day generated</li> <li>▪ From 6pm-8am, no activity resulting in off-site noxious impacts</li> </ul>

# TECHNICAL REPORT

Planning Commission – 04/16/2019

		<ul style="list-style-type: none"> <li>At all times, noise at property line cannot exceed 65 decibels</li> </ul>
<b>New Streets</b>	Construct streets as necessary so that every new home faces onto a street	<p>In addition to existing requirement-</p> <p>Major Subdivisions: construct new streets based on the conceptual alignments shown in the zoning code, to maximum extent practicable</p> <p>Minor Subdivisions: dedicate right-of-way for future streets based on the conceptual alignments shown in the zoning code, to maximum extent practicable</p>
<b>Sidewalks</b>	Generally required on both sides of streets - <i>No change proposed</i>	
<b>Maximum Block Length</b>	Not currently regulated	<del>850-ft</del> 450-500 ft to promote walkability
<b>Cul-de-sacs</b>	Design Manual limits length of cul-de-sacs	Permanent dead-end streets not allowed if there is practical alternative (stubs for future extension are allowed)
<b>Stormwater</b>	<p>In addition to existing requirements-</p> <ul style="list-style-type: none"> <li>Incorporate public amenities (eg paths) and LID methods into stormwater features</li> <li>Avoid unsightly features (eg chain-link fences)</li> </ul>	
<b>Buffers, Screening</b>	No change to existing standards proposed, except the addition of a perimeter buffer standard for mixed use areas (see Potential Mixed Use Area above)	
<b>Tree Protection, Landscaping</b>	<i>No change to existing standards proposed</i>	
<b>RCDs and Steep Slopes</b>	<i>No change to existing standards proposed</i>	
<b>Lighting</b>	No change to existing standards proposed, except that lighting fixture bulbs for nonresidential development can't be visible from adjacent lots or streets	
<b>Parking</b>	<i>No change to existing standards proposed</i>	
<b>Exemptions</b>	Not currently provided	Existing homes may increase floor area up to 25% or up to a total of 2000 sq ft (whichever is greater) before being subject to new standards
<b>Modification of Standards</b>	For standards not currently applied	<p>Staff may approve minor modifications (up to 10%) for the following standards:</p> <ul style="list-style-type: none"> <li>Maximum single-family home size;</li> <li>Maximum block length</li> </ul> <p>Provided there is still compatibility with surrounding properties and it meets the intent of the zoning</p>



# TECHNICAL REPORT

Planning Commission – 04/16/2019

## ZONING AMENDMENT FINDINGS OF FACT

All information submitted at the public hearing will be included in the record of the hearing. Based on the comments and documentation submitted, the Council will consider whether it can make one or more of three required findings (listed below A-C) for enactment of the Land Use Management Ordinance Text Amendment and Zoning Atlas Amendment.

In order to establish and maintain sound, stable, and desirable development within the planning jurisdiction of the Town, it is intended that the Land Use Management Ordinance and Zoning Atlas shall not be amended except:

- A.** To correct a manifest error in the chapter; or
- B.** Because of changed or changing conditions in a particular area or in the jurisdiction generally;  
or
- C.** To achieve the purposes of the Comprehensive Plan.

Following is a staff response to the three required considerations:

- A.** To correct a manifest error in the chapter

Staff Comment: We believe the information in the record to date can be summarized as follows:

Argument in Support: To date no arguments in support have been submitted.

Argument in Opposition: To date no arguments in opposition have been submitted.

- B.** Because of changed or changing conditions in a particular area or in the jurisdiction generally

Staff Comment: We believe the information in the record to date can be summarized as follows:

Argument in Support: The Town and the community have undertaken multiple planning efforts to consider changing conditions such as the closure of the landfill, along with potential changes noted by community members that would improve the area. These efforts include the Rogers Road Small Area Plan Task Force, the Historic and Vibrant Rogers Road Report, and Rogers Road: Mapping Our Community's Future. The Town has also partnered with Orange County and the Town of Carrboro for construction of sewer infrastructure to serve the area.

Argument in Opposition: To date no arguments in opposition have been submitted.

- C.** To achieve the purposes of the Comprehensive Plan

Staff Comment: We believe the information in the record to date can be summarized as follows:

Argument in Support: Relevant goals and objectives in the Chapel Hill 2020 Comprehensive Plan include, but are not limited to:

- A range of housing options for current and future residents (Goal A Place for Everyone.3)
- A welcoming and friendly community that provides all people with access to opportunities (Goal A Place for Everyone.4)
- Foster success of local businesses (Goal Community Prosperity and Engagement.2)
- Promote a safe, vibrant, and connected (physical and person) community (Goal Community Prosperity and Engagement.3)
- A connected community that links neighborhoods, businesses, and schools through the provision of greenways, sidewalks, bike facilities, and public transportation (Goal Getting Around.2)

# TECHNICAL REPORT

Planning Commission – 04/16/2019

- A development decision-making process that provides clarity and consistency with the goals of the Chapel Hill 2020 comprehensive plan (Goal Good Places New Spaces.3)
- A range of neighborhood types that addresses residential, commercial, social, and cultural needs and uses while building and evolving Chapel Hill’s character for residents, visitors, and students (Goal Good Places New Spaces.5)
- Future land use, form, and density that strengthen the community, social equity, economic prosperity, and natural environment (Goal Good Places New Spaces.8)
- Protect neighborhoods from the impact of development such as stormwater runoff, light and noise pollution, and traffic (Goal Nurturing Our Community.8)

Argument in Opposition: To date no arguments in opposition have been submitted.

Staff will provide an evaluation of the findings of fact at future meetings where this item is presented.